

Agenda

REVISED



Tempe City Council

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Harry E. Mitchell Government Center

Municipal Building

Council Chambers

31 East Fifth Street

7:30 P.M.

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

September 16, 2004

1. **INVOCATION – Councilmember Mitchell**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES – Councilmember Arredondo**
 - A. Approval of Council Meeting Minutes
 - B. Acceptance of Board & Commission Meeting Minutes
 1. Community Special Events Task Force – August 31, 2004 [20040916csetf01.pdf](#)
 2. Historic Preservation Commission – July 1 & 10, 2004 [20040916hpc01.pdf](#)
[20040916hpc02.pdf](#)
 3. Historical Museum Advisory Board – April 1, May 6 & June 3, 2004
[20040916csjc01.pdf](#) [20040916csjc02.pdf](#) [20040916csjc03.pdf](#)
4. **REPORTS AND ANNOUNCEMENTS**
 - A. Mayor's Announcements
 - B. Manager's Announcements
5. **CONSENT AGENDA**

All items listed on the Consent Agenda will be considered as a group and will be enacted with one motion by the City Council. None of these items will be discussed unless a Councilmember removes an item or a citizen requests that a public hearing item be removed for separate consideration. Public hearing items are designated by an asterisk (*). Items scheduled for a Introduction/First Public Hearing will be heard, but will not be voted upon, at this meeting.

'q-j' indicates items that are quasi-judicial. The City Council sits as a quasi-judicial body when hearing variances. When sitting as a quasi-judicial body, the City Council must conduct itself as a court, not as a legislative body. This means that any materials or conversations concerning the variance can only be

presented to the City Council at the scheduled public hearing. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited.

A. Miscellaneous

4. Request approval for the Mayor to sign Amendment #2 to Intergovernmental Agreement # C93-195 with Arizona State University for providing the Free Local Area Shuttle (FLASH) to Arizona State University and downtown Tempe.

DOCUMENT NAME: [20040916pwqi.pdf](#) PUBLIC TRANSIT (1106)

5. Request a one-year construction contract extension with Ace Asphalt of Arizona, Inc., for speed humps.

COMMENTS: Subject to execution of the contract amendment, in an amount not to exceed \$200,000.

DOCUMENT NAME: [20040916PWDR02.pdf](#) STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5400941

6. Request approval of a Final Planned Area Development for Weststone (Lot 4) at 179 North Scottsdale Road.

COMMENTS: #SPD-2004.59 for a Final Planned Area Development for Weststone (Lot 4) consisting of 134 residential condominiums in one 5-story, 417,007 s.f. building (condominiums and parking garage) on 2.61 net acres.

DOCUMENT NAME: [20040916dsd2k06.pdf](#) PLANNED DEVELOPMENT (0406)

- *7. This is a public hearing for the approval of a Series 10 Beer and Wine Store Liquor License for CVS EGL Baseline Tempe AZ, LLC, dba Eckerd Drug #00040, 1424 W. Baseline Road.

COMMENTS: Jason B. Morris, Agent

DOCUMENT NAME: [20040916LIQ1.pdf](#) LIQ LIC (0210-02)

- *8. This is a public hearing for the approval of a Series 10 Beer and Wine Store Liquor License for CVS EGL Broadway Tempe AZ, LLC, dba Eckerd Drug #00033, 1750 E. Broadway Road.

COMMENTS: Jason B. Morris, Agent

DOCUMENT NAME: [20040916LIQ2.pdf](#) LIQ LIC (0210-02)

- *9. This is a public hearing for the approval of a Series 10 Beer and Wine Store Liquor License for Marcum, LLC, dba Arco AM/PM Mini-Mart, 2188 E. Southern Avenue.

COMMENTS: Bun-Sort Ngor, Agent

DOCUMENT NAME: [20040916LIQ3.pdf](#) LIQ LIC (0210-02)

- *10. This is a public hearing for the approval of a Series 12 Restaurant Liquor License for

Ghost Runner, LLC, dba Stateside Grill, 502 S. College Avenue, #103.

COMMENTS: Bradley D. Wendt, Agent

DOCUMENT NAME: [20040916LIQ4.pdf](#) LIQ LIC (0210-02)

B. Award of Bids

11. Request to award a one-year contract with two (2) one-year renewal options to Summit Electric as a primary contractor, and to Capital Electric as a secondary contractor, for electrical supplies.

COMMENTS: Subject to the execution of the final written contract. Total cost for this contract shall not exceed \$750,000 during the initial contract period.

DOCUMENT NAME: [20040916fslq01.pdf](#) PURCHASES (1004-01) IFB# 05-012

12. Request to award a construction contract to Citywide Contracting, LLC, in the amount of \$49,418 (Base Bid) plus approval of a construction contingency of \$5,000 for the Fire Training Center Water Collection System.

COMMENTS: Subject to execution of the final written contract.

DOCUMENT NAME: [20040916PWMG01.pdf](#) STORM DRAIN UPGRADING-CONSTRUCTION (0808-06) PROJECT NO. 5801491

13. Request approval of two professional services contracts with CMX, LLC, for \$243,374 of construction management services for the Martinez Water Treatment Plant Reservoir and Pump Station, and \$97,503 for the Martinez Water Treatment Plant Reservoir 60" Pipeline.

COMMENTS: Both subject to the execution of the final written contracts.

DOCUMENT NAME: [20040916PWDR03.pdf](#) WATER MANAGMENT (0811) PROJECT NOS. 3200032 & 3201094

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- q-j *14. This is the **introduction and first public hearing** for an Amended Final Plan of Development for Chevron and an Amended General Plan of Development for College Park Center at 808 East Baseline Road. **The second public hearing is set for September 30, 2004.**

COMMENTS: (F&S Oil III, LLC, Jeff Francis, property owner) #SGF-2004.49 for an Amended General Plan of Development for College Park Center and an Amended Final Plan of Development for Chevron consisting of 6,806 s.f. on 0.92 net acres, including the following:

Use Permit:

To allow a car wash in the PCC-1 zoning district.

Variances:

1. Reduce the required street side yard setback along Rural Road from 50 feet to

21 feet in the PCC-1 zoning district.

2. Waive the requirement for overhead bay doors to be screened from view from the abutting streets and alleys and from adjoining properties by a six (6) foot minimum height masonry wall.

DOCUMENT NAME: [20040916dsrl02.pdf](#) PLANNED DEVELOPMENT (0406)

- q-j *15. This is the **introduction and first public hearing** for a zoning change from R1-6 to R-3 for the LDS Institute at 650 East Orange Street. **The second public hearing is set for September 30, 2004.**

COMMENTS: (Church of Jesus Christ of Latter Day Saints, John Cahoon, property owner) located at 650 East Orange Street, including the following:

#ZON-2004.07 Ordinance No. 808.2004.07 for a zoning change from R1-6, Single Family Residential to R-3, Multifamily Residential Limited on .52 gross acres.

#SIP-2004.52 for a site plan for a new building and parking structure consisting of 239,552 s.f on 3.157 net acres.

Use Permits:

1. Allow the expansion of the religious institute in R-3 Zoning District
2. Allow a commercial parking lot in the R-3 Zoning District.

Variances:

1. Increase the maximum allowable building height for the LDS Institute Building in the R-3, Zoning District from 30 feet to 48 feet.
2. Increase the maximum allowable building height for the LDS Institute parking garage in the R-3, Zoning District from 30 feet to 42 feet.
3. Increase the maximum allowable building coverage in the R-3 Zoning District from 40 percent to 54 percent.
4. Reduce the required courtyard separation between structures from 50 feet to 37 feet.
5. Reduce the required street side yard setback along McAllister Avenue from 25 feet to 20 feet.

DOCUMENT NAME: [20040916dssl04.pdf](#) PLANNED DEVELOPMENT (0406)

***16. DELETED**

D. Ordinances and Items for Second Hearing/Final Adoption

- q-j *17. This is the **second public hearing** for a zoning change, Preliminary and Final Planned Area Development, including a variance, and a Final Subdivision Plat for 5TH STREET TOWNHOMES located at 598 West 5th Street.

COMMENTS: (Joseph Lewis, property owner)

#ZON-2004.06 Ordinance No. 808.2004.06 for a zoning change from R-3, Multi-Family Residential Limited to R1-PAD One Family Residential on 0.33 gross acres.

#SPD -2004.07 for a Preliminary and Final Planned Area Development (PAD) consisting of seven, 3-story, one and two bedroom townhomes (5 two-bedroom and 2 one-bedroom, totaling 10,833 square feet) on 0.33 net acres, including:

Variance:

Waive the requirement of Planned Area Development's for site areas of at least

0.50 (1/2) net acres.

#SBD-2004.08 for an Amended Final Subdivision Plat consisting of seven (7) lots and two (2) tracts on 0.33 net acres.

DOCUMENT NAME: [20040916dsd2k03.pdf](#) PLANNED DEVELOPMENT (0406)

- q-j *18. This is the **second public hearing** for an Amended General Plan of Development and a Final Plan of Development including a use permit and variance for CROSSROADS OF TEMPE (Lot 4), at 7707 South Kyrene Road.

COMMENTS: (Castle & Cooke, Richard Toppe, property owner) #SGF-2004.57 for an Amended General Plan of Development for Crossroads of Tempe consisting of 134,644 s.f. retail/office/restaurant, all on 15.3 net acres (Lots 1, 2, 3, and 4) and a Final Plan of Development for Lot 4 consisting of 15,481 s.f. of retail/restaurant space on 2.09 net acres, located at 7707 South Kyrene Road, including the following:

Use Permit:

Allow outdoor dining in the PCC-1 Zoning District for Lot 4 of Crossroads of Tempe.

Variance:

Waive the required parking screen wall (approximately 6 feet in length) at the gas line easement location at the southwest corner of Lot 4.

DOCUMENT NAME: [20040916dsd2k05.pdf](#) PLANNED DEVELOPMENT (0406)

- *19. This is the **second public hearing** for AGAVE CENTER for a General Plan of Development (Lots 5, 6 & 7) and Final Plan of Development (Lot 7) at 8945 South Harl Avenue.

COMMENTS: (Frank Shields, Kennedy Assoc. Real Estate Council, Inc., property owner) #SGF-2004.60 for a General Plan of Development for Lots 5, 6 & 7 consisting of 25,600 s.f. on 5.6 net acres, and a Final Plan of Development for Lot 7, consisting of 17,000 s.f. on 2.79 net acres.

DOCUMENT NAME: [20040916dssl07.pdf](#) PLANNED DEVELOPMENT (0406)

- *20. *Request to continue the second public hearing from September 16 to September 30, 2004*, for a text amendment of the City of Tempe Zoning Ordinance 808, requesting public input for Mixed Use Educational Zoning District and Joint Review Committee.

COMMENTS: (City of Tempe, applicant) Ordinance 808.2004.09 #ZON-2004.09 for proposed text amendments to Zoning Ordinance 808.

DOCUMENT NAME: [20040916dsdk08.pdf](#) PLANNED DEVELOPMENT (0406)

- *21. This is the **second public hearing** for a request to authorize the Mayor to execute an Intergovernmental Agreement between Arizona Board of Regents (acting for and on behalf of Arizona State University) and the City of Tempe for the exchange of real property to facilitate the construction of the Light Rail Transit System.

DOCUMENT NAME: [20040916pwjm.pdf](#) TRANSPORTATION PLANNING (1101-01)
Ordinance No. 2004.37

- *22. This is the **second public hearing** to authorize the Mayor to execute the Real Estate

Purchase Agreement for Lot 1 at the Boardwalk Development Project at Tempe Town Lake between the City of Tempe and Playa Del Norte, LLC.

DOCUMENT NAME: [20040916dsca01.pdf](#) RIO SALADO MASTER PLAN
(0112-07-03) Ordinance No. 2004.39.

- *23. This is the **second public hearing** to authorize the Mayor to execute the Real Estate Purchase Agreement for Lot 4 at the Boardwalk Development Project at Tempe Town Lake between the City of Tempe and Playa Del Norte, LLC.

DOCUMENT NAME: [20040916dsca02.pdf](#) RIO SALADO MASTER PLAN
(0112-07-03) Ordinance No. 2004.40.

- *24. This is the **second public hearing** to authorize the Mayor to execute the Real Estate Purchase Agreement for Lot 5 at the Boardwalk Development Project at Tempe Town Lake between the City of Tempe and Playa Del Norte, LLC.

DOCUMENT NAME: [20040916dsca03.pdf](#) RIO SALADO MASTER PLAN
(0112-07-03) Ordinance No. 2004.41.

E. Resolutions

25. Request approval of a resolution amending Section 304(C) of the Personnel Rules and Regulations relating to internal recruitments.

DOCUMENT NAME: [20040916hrds01.pdf](#) PERSONNEL RULES AND REGS
(0301-01) RESOLUTION NO. 2004.78

26. *Request approval of a resolution approving the Amended City of Tempe Firefighters Unit Memorandum of Understanding ("Amended MOU") and authorizing its execution.*

DOCUMENT NAME: [20040916hrds02.pdf](#) FIRE – MEET & CONFER (0303-08-01) RESOLUTION NO. 2004.79

6. NON-CONSENT AGENDA

7. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the City Council agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on the agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes will not be allowed during formal meetings. Members of the public attending City Council meetings shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

8. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS